

HOUSE BILL 3718

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 14; Title 39, Chapter 17 and Title 50,  
relative to identification documentation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 39-17-1\_\_.

(a) As used in this section, unless the context otherwise requires:

(1) "Employment" means any work engaged in for compensation in money or other valuable consideration and for which a person paying the compensation for the work performed would be required to file a W-2 wage and tax statement with the federal internal revenue service;

(2) "False identification" means a document of a type intended or commonly accepted for the purposes of identification of individuals that would identify such individual to be a lawful resident alien, an individual authorized to be employed by the federal Immigration and Naturalization Act or the United States attorney general, or that would identify such individual to be a United States citizen that:

(A) Is not issued by or under the authority of a governmental entity or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit; and

(B) Appears to be issued by or under the authority of a governmental entity.

(3) "Illegal alien" means a person who is at the time of employment neither an alien who is lawfully admitted for permanent residence in the United States pursuant to the federal Immigration and Naturalization Act, compiled in 8 U.S.C. § 1101 et seq., nor authorized to be employed by the federal Immigration and Naturalization Act or the United States attorney general;

(4) "Lawful resident alien" means a person who is entitled to lawful residence in the United States pursuant to the federal Immigration and Naturalization Act;

(5) "Lawful resident verification information" means the documentation that is required by the United States department of homeland security when completing the employment eligibility verification form commonly referred to as the Form I-9; and

(6) "Person" means individual, corporation, partnership, association or any other legal entity.

(b) It is an offense for a person to knowingly manufacturer, produce, sell or otherwise traffic false identification to another for purposes of obtaining or maintaining employment if the person for whom employment is being obtained or maintained is an illegal alien.

(c) A violation of this section is a Class B misdemeanor. Each false identification document used in violation of subsection (b) shall constitute a separate offense.

(d) Nothing in this section shall be construed to prohibit prosecution under any other provision of law.

(e) Upon conviction of a violation of subsection (b), if it is determined that any person in connection with a violation of this section is not lawfully present in the United

States, pursuant to the federal Immigration and Naturalization Act, compiled in 8 U.S.C. § 1101 et seq., the court shall notify the United States department of homeland security.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.